UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LEILA OLIVER	)	**CIVIL ACTION NO:**
PLAINTIFF,	)	**4:10-cv-958**
	)	
VS.	)	**JURY TRIAL DEMANDED**
	)	
REGENT ASSET MANAGEMENT	)	**UNLAWFUL DEBT**
SOLUTIONS, INC.	)	**COLLECTION PRACTICES**
DEFENDANT	)	

COMPLAINT

I. INTRODUCTION

1. Plaintiff Leila Oliver alleges that Defendant engaged in abusive, deceptive, and unfair acts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA") and the Telephone Consumer Protection Act. 47 U.S.C. § 227 et seq. (hereinafter “TCPA”). Specifically, Defendant, through the actions of its employees, left a series of prerecorded messages on Plaintiffs’ residential phone without her consent or authorization in an effort to collect on a defaulted debt for which Plaintiff was not legally obligated.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1331 and diversity of citizenship. Venue in this District is proper in that the Defendant transacted business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff is a natural person residing in the County of St. Louis, State of Missouri.

4. Defendant Regent Asset Management Solutions, Inc. is a debt collector within the meaning of the FDCPA, 15 U.S.C. §1692a(6). Defendant is a corporation existing pursuant to law and doing business in the State of Missouri. Defendant's registered agent in the State of Missouri is CSC Lawyers Incorporating Service Company, 221 Bolivar Street, Jefferson City, MO 65101.

5. Defendant is engaged in the collection of debts from consumers using the mail, facsimile transmission and telephone. Defendant regularly attempts to collect consumer debts it purchases after default and/or consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

6. The acts of Defendant alleged hereinafter were performed by its employees acting within the scope of their employment with Defendant, and with its actual or apparent authority.

IV. FACTUAL ALLEGATIONS

7. Defendant left 9 prerecorded phone messages on the voice message recorder for Plaintiff's residential phone line during the period of time spanning from May 30, 2009 through April 26, 2010 in an effort to collect on a defaulted debt which was allegedly originally owed to another entity. The alleged obligation is a consumer debt as defined in 15 U.S.C. § 1692a(5).

8. Each call was received by Plaintiff on her residential phone line which bears the following number: (314) 638-7093. Plaintiff has no pre-existing relationship with Defendant and never gave Defendant consent to leave prerecorded messages on her residential phone line. Plaintiff has retained, preserved and transcribed the recorded phone messages.

9. Plaintiff was not legally obligated on the debt which Defendant was attempting to collect.

10. Plaintiff never received any correspondence from Defendant containing information regarding the original creditor, the alleged amount due or the notices required by 15 U.S.C. § 1692g.

VIOLATIONS OF THE FDCPA

11. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

12. Defendant's actions violated the FDCPA. The violations include, but are not limited to, the following:

> (a) Defendant violated 15 U.S.C. § 1692e(11) when it left prerecorded messages on Plaintiff's residential phone line which failed to indicate that the communication was from a debt collector; and
>
> (b) Defendant violated 15 U.S.C. § 1692d(6) when it left prerecorded messages on Plaintiff's residential phone line which failed to provide meaningful disclosure of Defendant's identity; and
>
> (c) Defendant violated 15 U.S.C. § 1692e when it left messages with Plaintiffs in an effort to collect on a debt for which Plaintiff was not legally responsible; and
>
> (d) Defendant violated the FDCPA by failing to forward any written communication to Plaintiff containing the disclosures required by 15 U.S.C. § 1692g.

13. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiffs for statutory damages, and costs and attorney's fees.

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

A. Statutory damages pursuant to 15 U.S.C. § 1692k;

B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;

C. For such other and further relief as may be just and proper.

VIOLATIONS OF THE TCPA

14. Plaintiffs incorporate herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

15. Defendant's actions violated the TCPA. The violations include, but are not limited to, the following:

(a) Defendant violated 47 U.S.C. § 227(b)(1)(B) when it left prerecorded and/or autodialed messages on Plaintiff's residential phone line on numerous occasions during the period of time spanning from May 30, 2009 and April 26, 2010 concerning an alleged debt which was not owed by Plaintiff and without Plaintiff's prior express consent.

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

A. Damages pursuant to 47 U.S.C. § 227(b)(3);

PLAINTIFFS HEREBY REQUEST A TRIAL BY JURY

/s/ Leila Oliver
Leila Oliver

THE SWANEY LAW FIRM

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